



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

November 16, 2004

Mr. Garth E. Jones, P.E.
Becker Morgan Group
738 S. Governors Avenue
Dover, De 19904

RE: PLUS review – PLUS 2004-10-09; Cooper Property

Dear Mr. Jones:

Thank you for meeting with State agency planners on October 27, 2004 to discuss the proposed plans for the Cooper property located on US 13 in Camden.

According to the information received, you are seeking site plan approval through Camden for a 156 unit residential subdivision on 83 acres which will also include 215,000 square foot of commercial space.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the Town of Camden is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the Town.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: David Edgell 739-3090

This project is located in Investment Level 2 according to the 2004 State Strategies for Policies and Spending. This site is also located in the Town of Camden. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. Our office has no objections to the proposed development of this project in accordance with the Town

codes and ordinances once the Camden Comprehensive Plan Amendment reviewed in July 2004 has been reviewed and certified by our office.

Regarding the design, we are encouraged that the applicants are considering a mixed use concept for the property which includes commercial, office, and residential uses. The commercial and employment land uses will compliment the growing community in the southern part of Camden, and as such should be connected through street, bicycle and pedestrian connections. We note that this proposal is adjacent to the proposed “Sunset Village” project (aka the Tallman property). In accordance with the DelDOT recommendations found below, we strongly encourage a street, pedestrian, and bicycle connection between the two properties. This area of Camden should be planned as an extension of the town rather than as individual, stand alone properties.

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

There is a historic house on the subject parcel, which appears to be in good condition. The development would obviously adversely affect this house and property since it would no longer exist. If the structure is not preserved, we request access to the property so we could gather final documentation of the house and other associated structures. Please contact Anne McCleave at 302-739-5685 to schedule a time they can access the property.

There is a high probability for prehistoric and historic archaeological sites within the subject parcel.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) The developer will be required to provide a traffic impact study for the proposed development. That study may lead to recommendations for off-site improvements. DelDOT anticipates urging the Town to require the developer to make some or all of those improvements and to withhold plan approval until they have a commitment from the developer in that regard.
- 2) The proposed service road is consistent with DelDOT’s plans to preserve the capacity of Route 13 through our Corridor Capacity Preservation Program. More specifically, it is part of a planned set of service roads beginning with the Camden Town Center (Wal-Mart shopping center) to the north and ending near Tidbury Creek. DelDOT commends the developer for including it in his plans. The service road should be designed and built to State standards and dedicated to public use. DelDOT anticipates accepting it for State maintenance. They also anticipate requiring the developer to build the service road from their north property line to Lochmeath Way. DelDOT already owns some of the needed rights-of-way and will work with the developer and others to obtain the remaining rights-of-way needed for that connection.

- 3) The site access on Route 13 will be limited to a single location with right-turns in and out only. The existing crossover will be closed or relocated away from the proposed site entrance.
- 4) The site entrance on Route 13A should be aligned opposite Bison Road (Kent Road 234). The northernmost collector road should then be realigned to generally follow the north property line and provide access to the adjacent New Life Family Worship Center property (Tax Parcel NM-00-103.00-01-26.00-0001). A stub street should also be provided from the southernmost collector road to provide access to the Dover Baptist Temple (Tax Parcel NM-00-103.00-01-27.01-000).
- 5) The gatehouse shown on the plan at Route 13A may be acceptable as an architectural feature if there is room for it after the realignment of the entrance. However, DelDOT is opposed to this project being built as a gated community with private streets. Traffic to and from the proposed office and commercial uses should have access through the development to Route 13A. DelDOT understood from the developer's representatives at the PLUS meeting that the gatehouse, if built, would be decorative and that the streets would be public. We want to emphasize the importance of the streets being public.
- 6) DelDOT recommends that a street connection be provided between the subject development and the proposed Sunset Village development to the south.
- 7) The developer's engineer should contact the DelDOT project manager for Kent County, Mr. Brad Herb of Johnson, Mirmiran & Thompson, regarding their requirements for access. Mr. Herb may be reached at (302) 266-9080.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-3091

General Comment

The State should strongly encourage revision of this site plan to include ample pedestrian and vehicular access between this parcel and the Tallman parcel to the South, which is planned as an “active adult” community.

Soils

According to the Kent County soil survey, Sassafras was mapped in the immediate vicinity of the proposed construction. Sassafras is well-drained upland soil that has few limitations for development.

Wetlands

SWMP maps indicate the presence of palustrine forested deciduous wetlands on site. Site plans show that a storm water management pond (#3) will be placed within the wetland. Because there is strong evidence that federally regulated wetlands exist on site, wetland delineation, in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1) should be conducted. Once complete, this delineation should be verified Corps of Engineers through the Jurisdictional Determination process.

Impacts to Palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process. Impacts to streams and associated riparian wetlands, including road crossings, are regulated by the DNREC Wetlands and Subaqueous Lands Section, and by the Corps of Engineers.

To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-4691 to schedule a meeting.

Vegetated buffers, comprised of native trees, shrubs or no-mow grasses, of no less than 100 feet should be employed from the edge of the wetland complex on site.

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the St. Jones River subwatershed, of which this parcel is part, are scheduled for completion in December 2006.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce degradative impacts associated with development.

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction

of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Source Water Protection Areas

A small portion of the site is located in a wellhead protection area; another portion of the site is located in an excellent recharge area (see map). According to the State law that created the Source Water Protection Program, county and municipal governments will be required to enact ordinances to protect Water Resource Protection Areas. The following language has been excerpted from the draft Source Water Protection Guidance Manual for Local Governments, Supplement 1 - Ground-Water Recharge Design Methodology.

While the language is currently draft and the local ordinances are not yet in place, the developer may find the language useful in modifying the site plan to protect the excellent recharge area.

Water Resource Protection Areas (WRPAs) are defined as (1) surface water areas such as floodplains, limestone aquifers, and reservoir watersheds, (2) wellhead areas, or (3) excellent recharge areas. The purpose of an impervious cover threshold is to minimize loss of recharge and protect the quality and quantity of ground and surface water supplies in WRPAs.

New development in WRPAs may exceed the 20 % impervious cover threshold, but be no more than 50 % impervious, provided the applicant submits an environmental assessment report recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis.

Commonly, the applicant offsets the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water.

The Department recommends the following (ranked in order of preference):

- 1) Preserve WRPA's as open space and parks by acquisition or conservation easement.
- 2) Limit impervious cover of new development to 20 % by right within WRPA's.
- 3) Allow impervious cover of new development to exceed 20% within WRPA's (but no more than 50% impervious) provided the applicant develops recharge facilities that directly infiltrate rooftop runoff.
- 4) Allow impervious cover of new development to exceed 20% within WRPA's (but no more than 50% impervious) provided the applicant develops recharge facilities that infiltrate stormwater runoff from forested and/or grassed surfaces with pretreatment.

Stormwater Management

1. Land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and stormwater management plan must be reviewed and approved by the Kent Conservation District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the Kent Conservation District. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.
2. The following notes must appear on the record plan:
 - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
 - The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
 - A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.
3. Ease of maintenance must be considered as a site design component and a maintenance set aside area for disposal of sediments removed from the basins during the course of regular maintenance must be shown on the Record Plan for the subdivision.

4. All drainage ways and storm drains should be contained within drainage easements and clearly shown on the plan to be recorded.
5. A soils investigation supporting the stormwater management facility design is required to determine impacts of the seasonal high groundwater level and soils for any basin design.

Comments:

1. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
2. If the ultimate ownership of the various parcels and areas of the site are to differ, a stormwater/drainage agreement should be put into place to allow shared use of the stormwater facilities. A maintenance corporation responsible for maintenance is encouraged.
3. Access to the proposed stormwater facility must be provided for periodic maintenance. This access should be at least 12 feet wide to leading to the facility and around the facility's perimeter.
4. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
5. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.
6. Proper drainage of developed lots and active open space should be considered in the development of the grading plan for this subdivision.
7. Based on the site characteristics, a pre-application meeting is suggested to discuss stormwater management and drainage for this site.

Drainage

The Drainage Section does not have any knowledge of existing drainage complaints or concerns associated with the project. The Drainage Section requests that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water.

Stormwater Ponds/Nuisance Species

It is recommended that the number of ponds incorporated in the subdivision design be reduced or landscaped to deter nuisance species. The ponds scattered throughout the subdivision will likely attract waterfowl like resident Canada geese and mute swans that will create a nuisance for community residents. Although small numbers of these species are enjoyed by residents, geese and swans can quickly multiply and overwhelm the area. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Ponds that remain in the subdivision plan should be landscaped to deter nuisance species. Short manicured lawns around ponds provide an attractive habitat for these species. However, native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area around ponds, are not as attractive to geese because they do not feel as safe from predators and other disturbance when their view of the area is blocked. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with a reduction in the number of ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Open Space

In areas set aside for passive open space, the developer is encouraged to consider establishment of additional forested areas or meadow-type grasses. Once established, these ecosystems provide increased water infiltration into groundwater, decreased run-off into surface water, air quality improvements, and require much less maintenance than traditional turf grass, an important consideration if a homeowners association will take over responsibility for maintenance of community open spaces.

Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism. Conservation areas should also be demarked to avoid infringement by homeowners.

The stormwater management pond should be moved outside of the wetland area in order to maximize the benefits of the buffers.

Recreation

DNREC noted that they appreciate the thought given to centrally locate the recreation facilities. However, they discourage building recreational facilities adjacent to storm water basins where standing water and the potential for flash flooding exist. Storm water infrastructure and active recreation facilities are not compatible.

It is recommended that sidewalks be built fronting every residence and stub streets. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities 2) provide opportunities for neighbors to interact in the community and 3) facilitate safe, convenient off-road access to neighboring communities, public mass transit stops, schools, stores, work, etc. It is further recommended that access to the adjacent parcel to the south be incorporated into the design allowing increased mobility for bicyclists and pedestrians.

Underground Storage Tanks

There are two inactive LUST site(s) located near the proposed project:

Delaware State Police Troop 3, Facility # 1-000591, Project # K0101001
Price Honda, Facility # 1-000142, Project # K9404093

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

Air Quality

Air pollution threatens the health of human beings and other living things on our planet. While often invisible, pollutants in the air create smog and acid rain, cause cancer or other serious health effects, diminish the protective ozone layer in the upper atmosphere, and contribute to the potential for world climate change. Breathing polluted air can have numerous effects on human health, including respiratory problems, hospitalization for heart or lung disease, and even premature death. Some can also have effects on aquatic life, vegetation, and animals.

Once complete, vehicle emissions associated with this project are estimated to be 12.0 tons (23,944.4 pounds) per year of VOC (volatile organic compounds), 9.9 tons (19,824.3 pounds) per year of NO_x (nitrogen oxides), 7.3 tons (14,626.7 pounds) per year of SO₂ (sulfur dioxide), 0.7 ton (1,302.0 pounds) per year of fine particulates and 1,001.5 tons (2,002,916.2 pounds) per year of CO₂ (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 1.9 tons (3,827.7 pounds) per year of NO_x (nitrogen oxides), 6.7 tons (13,313.7 pounds) per year of SO₂ (sulfur dioxide) and 981.9 tons (1,963,765.4 pounds) per year of CO₂ (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 4.8 tons (9,657.9 pounds) per year of VOC (volatile organic compounds), 0.5 ton (1,062.7 pounds) per year of NO_x (nitrogen oxides), 0.4 ton (881.9 pounds) per year of SO₂ (sulfur dioxide), 0.6 ton (1,138.0 pounds) per year of fine particulates and 19.6 tons (39,150.8 pounds) per year of CO₂ (carbon dioxide).

	VOC	NO _x	SO ₂	PM _{2.5}	CO ₂
Mobile	12.0	9.9	7.3	0.7	1001.5
Residential	4.8	0.5	0.4	0.6	19.6
Electrical Power		1.9	6.7		981.9
TOTAL	16.8	12.3	14.4	1.3	2003.0

The Department of Natural Resources and Environmental Control is asking that local jurisdictions consider mitigation to help resolve this issue. Mitigation might involve limiting large new developments to growth zones, focusing development to urban areas capable of providing mass transit services, requiring more energy efficient homes which would lessen air quality impacts, and promoting walkability and bikability within and between developments and town centers.

With that said this State notes that this proposed development is within a growth area and proposed for annexation within the Town of Camden. Therefore, the State would ask that you consider the development of energy efficient homes and interconnectivity with the Town and surrounding commercial areas to promote walkability and bikeability.

State Fire Marshal's Office – Contact: John Rossiter 739-4394

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly, Hotel, Business and Townhouses)
- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at

20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)

- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR
- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

c. **Accessibility**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from South duPont Hwy must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”

- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Townhouse 2-hr separation wall details shall be shown on site plans
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

The Delaware Forest Service recommends the following:

- Use of a Diverse Landscape Plan the use the “right tree for the right place” concept which encourages native trees and shrubs when possible.
- The use of forest buffers for adjacent subdivisions, critical areas and agricultural sites.
- Consider the placement of trees and building units adjacent to the State Police Troop #3.
- The Del-Dot Tree Mitigation Law will for removal of trees within the proposed service road. This will require a 1 to 1 replacement.

Public Service Commission - Contact: Andrea Maucher 739-4247

The information sheets provided state that the developer intends to have The Town of Camden supply public water to the site; however, the PSC information on the site indicates that Tidewater Utilities currently holds the Certificate of Public Convenience and Necessity number PSC-1190 to provide public water to the area. The developer should discuss his options with the Public Service Commission. They can be reached at 739-4247.

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Delaware Emergency Management Agency – Contact: Don Knox 659-3362

Due to the large number of residential units and the commercial space being proposed, a significant impact to public safety is foreseen by implementation of this project. The developer should notify the police, fire service, and emergency medical response organization serving the Town of Camden, to keep them apprised of all development activities.

Department of Education – Contact: Nick Vacirca 739-4658

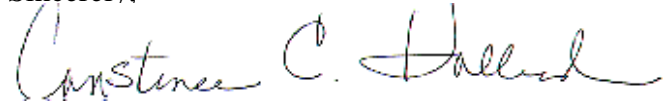
156 dwelling units could generate an estimated 78 additional students for the Ceasar Rodney School District. While Kent County does not have school concurrence at this time, it is recommended that you submit a package to the school district for informational purposes.

If the development is approved and build, please use the following information for school transportation planning. If there are homes more than ½ mile from the nearest public road (outside the development), you should plan wide enough streets so that large school busses can access and turn around (without backing) from the furthest areas within the development while picking up and dropping off students. Should there not be any sites more than ½ mile from the nearest public road, provisions for appropriate pick-up and drop-off at the development entrance should be included.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in dark ink, appearing to read "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being more prominent.

Constance C. Holland, AICP
Director

CC: Town of Camden